

REMARKS

Claims 1-20, 25-35, 37-38, 71, 72, 76, 77, 79-124, 128-167, 172-174, 180, 181, 228 and 229 were pending in the instant application as of the issuance of the Office Action dated October 14, 2009. According to the foregoing amendments, claims 157 and 228 have been amended and claim 165 has been cancelled without prejudice to the prosecution of these claims in this or a subsequently filed application. Accordingly, after the amendments presented herein have been entered, claims 1-20, 25-35, 37-38, 71, 72, 76, 77, 79-124, 128-164, 166, 167, 172-174, 180, 181, 228 and 229 will remain pending in this application.

Applicants submit that the amendments have been made primarily to attend to formalities. Support for these amendments to the claims may be found throughout the specification and in the claims as originally filed.

No new matter has been added by the amendments to the claims. The amendments to the claims and cancellation of certain claims should not be construed as an acquiescence to the validity of the outstanding rejections and were done solely in the interest of expediting prosecution and allowance of the claims. Applicants reserve the right to pursue the claims as previously pending and as originally filed in one or more further applications.

REJECTION OF CLAIMS 159-162 AND 165 UNDER 35 USC § 112, SECOND PARAGRAPH

The Examiner has rejected claims 159-162 under 35 U.S.C. § 112, second paragraph as allegedly “being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” In the interest of clarity, Applicants will address each rejection in turn, as set forth below.

Initially, the Examiner rejects claims 159-162 as lacking “antecedent basis in claim 157 for ‘multiarylpolymthine dye’.” In accordance with the Examiner’s rejections, claim 157 has been amended to recite “multiarylpolymethine dye,” thereby rendering the foregoing rejection moot.

Moreover, the Examiner rejects claim 165 as lacking “antecedent basis in claim 157 for ‘aminophthalhydrazide’.” Solely in the interest of expediting examination and in no way acquiescing to the validity of the Examiner’s rejection, claim 165 has been cancelled, thereby rendering the foregoing rejection moot.

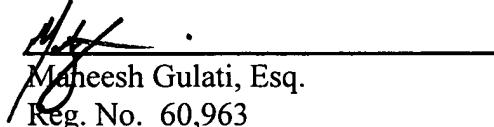
CONCLUSION

In view of the foregoing remarks, reconsideration of the rejections and allowance of all pending claims is respectfully requested. If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

The Commissioner is hereby authorized to charge any deficiency in the fees paid herewith, or credit any overpayment, to Deposit Account No. 12-0080, under Order No. RMI-017, from which the undersigned is authorized to withdraw.

Dated: April 6, 2010

Respectfully submitted,


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